

NO.: 5:11-CV-207-D

Defendants.

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conclusory statements. Moreover, Plaintiffs fail to associate their individual claims with any specific Defendant. Only paragraphs 19 and 21 specifically name any Defendant, and in each case all five defendants are named. Finally, several of Plaintiffs' claims do not request any specific relief. For these reasons, Defendants are unable to respond to Plaintiffs' Complaint in any meaningful way.

Several Defendants now request that Plaintiffs be required to make a more definite statement of their claims pursuant to Rule 12(e) of the Federal Rules of Civil Procedure. Rule 12(e) provides that:

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

F.R.Civ.P. 12(e).

The undersigned acknowledges that “[m]otions for more definite statements are not favored . . . [and] are designed to strike at unintelligibility rather than simple want of detail.” Khair v. Countrywide Home Loans, Inc., 2010 WL 2486430 (E.D.Va. June 14, 2010)(quotations and citations omitted). Thus, a motion for a more definite statement should only be granted if a defendant cannot frame a response to a complaint. *See*, Blizzard v. Dalton, 876 F.Supp. 95, 100 (E.D.Va .1995) (*citing* Hodgson v. Va. Baptist Hosp., Inc., 482 F.2d 821, 824 (4<sup>th</sup> Cir. 1973)). In addition, The Fourth Circuit has held that a request for a more definite statement, must be read in conjunction with Rule 8, which establishes general rules for pleadings. *See*, Hodgson, 482 F.2d at 822. Rule 8 states:

. . . [ A ] claim for relief must contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction ...;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought . . .

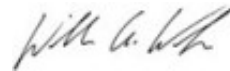
Fed.R.Civ.P. 8.

Here, as previously noted, Plaintiffs' allegations are so vague that Defendants cannot reasonably prepare a response and do not meet the requirements of Rule 8. For these reasons, Defendants' motions (DE's 15, 19, & 22) are GRANTED.

### **Conclusion**

For the aforementioned reasons, Plaintiffs are ordered to submit a more definite statement of each of their claims. The re-filed Complaint must specify which claims relate to which Defendants, make specific factual allegations regarding each Defendant, and contain specific demands for relief. Plaintiffs' shall re-file their Complaint no later than January 9, 2012. Failure to do so could result in their original Complaint being stricken and their claims being dismissed.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Wednesday, December 21, 2011.



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WILLIAM A. WEBB  
UNITED STATES MAGISTRATE JUDGE